



U.S. Environmental Protection Agency NoFEAR Act Data Report

The Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002 (NoFEAR Act)

Equal Employment Opportunity Data Posted Pursuant to the NoFEAR Act

On May 15, 2002, President Bush signed into law the Notification and Federal Employee Anti-Discrimination and Retaliation (NoFEAR) Act, which increases federal agency accountability for acts of discrimination or reprisal against employees for whistle blowing. The NoFEAR Act became effective on October 1, 2003.

The NoFEAR Act requires that federal agencies post quarterly on their public Web sites certain summary statistical data relating to equal employment opportunity complaints filed against the respective agencies.

In accordance with the NoFEAR Act, this U.S. Environmental Protection Agency (EPA) report provides statistical information on equal employment opportunity complaints filed against the EPA from (FY)1999-2003, and includes first quarter information for FY 2004. EPA is committed to upholding anti-discrimination and civil rights laws. EPA will continue to update this report on a quarterly basis.

The data presented below are the best available as of this posting. They include all responsive data that the Agency has been able to identify to date. The Office of Civil Rights (OCR) will continue to make its best effort to identify and post all responsive data in the future. Throughout this report the symbols # and % are used. The # symbol represents the word "number" and the % symbol represents the word "percent."

COMPLAINT ACTIVITY BY FISCAL YEAR

COMPLAINT ACTIVITY BY FISCAL YEAR							FY04		
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
COMPLAINTS FILED	78	75	85	104	74	12	18		
INDIVIDUALS FILING	60	68	78	91	66	12	18		
INDIVIDUALS FILING									
MULTIPLE COMPLAINTS	9	3	3	6	4	0	0		

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PROCESSING TIMES (AVERAGE DAYS) BY FISCAL YEAR

	FY04								
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
TOTAL CLOSURES	575	634	750	834	681	838	701		
WITHDRAWALS	446	438	650	977	337	608	83		
SETTLEMENTS	507	734	665	920	623	930	743		
FINAL AGENCY DECISIONS	642	603	841	807	740	834	725		
WITHOUT HEARING	642	578	823	638	671	865	710		
WITH HEARING	0	1,316	1,357	754	915	820	861		

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FINDINGS OF DISCRIMINATION (NUMBER & PERCENT) BY FISCAL YEAR

							FY04			
		FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
TOTAL FINDINGS										
OF DISCRIMINATION ¹		0	0	0	0	2	0	0		
WITHOUT HEARING - #		0	0	0	0	0	0	0		
WITHOUT HEARING - %		0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #		0	0	0	0	2 ²	0	0		
WITH HEARING - %		0.00	0.00	0.00	0.00	100.00	0.00	0.00		

COMPLAINTS FILED BY BASES²

							FY04			
		FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
RACE		56	44	67	70	49	14	14		
COLOR		0	0	0	16	16	1	6		
RELIGION		2	2	8	1	2	0	1		
RETALIATION		59	33	59	81	61	27	7		
SEX		30	31	39	63	46	8	6		
NATIONAL ORIGIN		6	7	18	6	14	9	5		
EQUAL PAY		0	0	0	0	0	0	0		
AGE		25	27	21	62	51	11	9		
DISABILITY		25	16	25	44	39	5	7		
TOTAL ³		203	160	237	343	278	65	55		

¹ Data does not reflect any decisions rendered outside of the Agency's administrative process.

² One case Agency appealed.

³ Includes multiple bases per complaint.

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COMPLAINTS FILED BY ISSUES⁴

	FY04								
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
APPOINTMENT/HIRE	0	0	1	0	0	0	0		
ASSIGNMENT	10	12	40	56	17	7	0		
AWARDS	4	0	12	17	3	0	0		
CONVERSION FULL TIME	0	0	0	0	0	0	0		
DISCIPLINE	24	14	10	42	12	14	1		
DUTY HOURS	0	0	0	0	0	1	0		
EVALUATION/APPRAISAL	18	0	3	21	0	5	0		
EXAMINATION/TEST	4	0	0	1	0	0	0		
HARASSMENT							7		
NON-SEXUAL	27	6	32	31	79	13	7		
SEXUAL	0	2	2	2	0	0	0		
MEDICAL EXAMINATION	0	0	0	0	0	0	0		
PAY (INCLUDING OVERTIME)	3	0	3	0	0	4	0		
PROMOTION/SELECTION	62	58	62	97	92	14	12		
REASSIGNMENT	0	7	7	10	6	0	0		
REASONABLE ACCOMMODATION	10	6	6	8	6	2	1		
REINSTATEMENT	0	0	0	0	0	0	0		
RETIREMENT	6	0	0	1	0	0	0		
TERMINATION	0	0	8	20	11	0	0		
TERMS AND CONDITIONS	3	12	5	18	1	6	4		
TIME AND ATTENDANCE	6	28	1	14	18	7	0		
TRAINING	7	6	5	3	5	0	0		
TOTAL	184	151	197	341	250	73	32		

⁴ Includes multiple claims (issues) per complaint.

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FINDING OF DISCRIMINATION BY BASES

						FY04			
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
RACE - #	0	0	0	0	2	0	0		
RACE - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	2	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
COLOR - #	0	0	0	0	0	0	0		
COLOR - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
RELIGION - #	0	0	0	0	0	0	0		
RELIGION - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
RETALIATION - #	0	0	0	0	1	0	0		
RETALIATION - %	0.00	0.00	0.00	0.00	0.17	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	1	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.17	0.00	0.00		

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FINDING OF DISCRIMINATION BY BASES

						FY04			
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
SEX - #	0	0	0	0	0	0	0		
SEX - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
NATIONAL ORIGIN - #	0	0	0	0	0	0	0		
NATIONAL ORIGIN - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
EQUAL PAY - #	0	0	0	0	0	0	0		
EQUAL PAY - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
AGE - #	0	0	0	0	2	0	0		
AGE - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	2	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		

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FINDING OF DISCRIMINATION BY BASES*

	FY 99	FY 00	FY 01	FY 02	FY 03	FY04			
						1 ST	2 ND	3 RD	4 TH
DISABILITY - #	0	0	0	0	0	1	0		
DISABILITY - %	0.00	0.00	0.00	0.00	0.00	0.17	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	1	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.17	0.00		

* Data does not reflect any decisions rendered outside of the Agency's administrative process.

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FINDING OF DISCRIMINATION BY ISSUES

	FY04								
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
APPOINTMENT/HIRE - #	0	0	0	0	0	0	0		
APPOINTMENT HIRE - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
ASSIGNMENT - #	0	0	0	0	0	0	0		
ASSIGNMENT - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
AWARDS - #	0	0	0	0	0	0	0		
AWARDS - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
CONVERSION FULL TIME - #	0	0	0	0	0	0	0		
CONVERSION FULL TIME - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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FINDING OF DISCRIMINATION BY ISSUES

						FY04			
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
DISCIPLINE - #	0	0	0	0	0	0	0		
DISCIPLINE - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
DUTY HOURS - #	0	0	0	0	0	0	0		
DUTY HOURS - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
EVALUATION/APPRAISAL - #	0	0	0	0	1	0	0		
EVALUATION/APPRAISAL - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
EXAMINATION/TEST - #	0	0	0	0	0	0	0		
EXAMINATION/TEST - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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FINDING OF DISCRIMINATION BY ISSUES

						FY04			
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
HARASSMENT - #	0	0	0	0	0	0	0		
(SEXUAL) - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
HARASSMENT - #	0	0	0	0	0	0	0		
(NON-SEXUAL) - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
MEDICAL EXAMINATION - #	0	0	0	0	0	0	0		
MEDICAL EXAMINATION - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
PAY (INCLUDING OVERTIME) - #	0	0	0	0	0	0	0		
PAY (INCLUDING OVERTIME) - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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FINDING OF DISCRIMINATION BY ISSUES

	FY04								
	FY 99	FY 00	FY 01	FY 02	FY 03	1 ST	2 ND	3 RD	4 TH
PROMOTION/SELECTION - #	0	0	0	0	0	1	0		
PROMOTION/SELECTION - %	0.00	0.00	0.00	0.00	0.00	0.33	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	1	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.33	0.00		
REASSIGNMENT - #	0	0	0	0	0	0	0		
REASSIGNMENT - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
REASONABLE - #	0	0	0	0	1	0	0		
ACCOMMODATION - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	1	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.33	0.00	0.00		
REINSTATEMENT - #	0	0	0	0	0	0	0		
REINSTATEMENT - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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FINDING OF DISCRIMINATION BY ISSUES

	FY 99	FY 00	FY 01	FY 02	FY 03	FY04			
						1 ST	2 ND	3 RD	4 TH
RETIREMENT - #	0	0	0	0	0	0	0		
RETIREMENT - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
TERMINATION - #	0	0	0	0	0	0	0		
TERMINATION - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
TERMS AND CONDITIONS - #	0	0	0	0	0	0	0		
TERMS AND CONDITIONS - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
TIME & ATTENDANCE - #	0	0	0	0	0	0	0		
TIME & ATTENDANCE - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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FINDING OF DISCRIMINATION BY ISSUES

	FY 99	FY 00	FY 01	FY 02	FY 03	FY04			
						1 ST	2 ND	3 RD	4 TH
TRAINING	0	0	0	0	0	0	0		
TRAINING	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITHOUT HEARING - #	0	0	0	0	0	0	0		
WITHOUT HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
WITH HEARING - #	0	0	0	0	0	0	0		
WITH HEARING - %	0.00	0.00	0.00	0.00	0.00	0.00	0.00		

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COMPLAINTS PENDING FILED PRIOR TO CURRENT FISCAL YEAR

TOTAL COMPLAINTS PENDING	160
NUMBER OF INDIVIDUALS FILING	152
PENDING INVESTIGATION	53
PENDING FINAL AGENCY DECISION	44
PENDING HEARING BY THE EEOC*	61
INVESTIGATIONS CONDUCTED WITHIN 180 DAYS	7
INVESTIGATIONS EXCEEDING 180 DAYS	57

*Equal Employment Opportunity Commision